

VZCZCXRO8838
PP RUEHAG RUEHAST RUEHBI RUEHCI RUEHDA RUEHDBU RUEHDF RUEHFL RUEHIK
RUEHKW RUEHLA RUEHLH RUEHLN RUEHLZ RUEHNEH RUEHNP RUEHPOD RUEHPW
RUEHROV RUEHSK RUEHSR RUEHVK RUEHYG
DE RUEHTA #0593/01 0931208
ZNR UUUUU ZZH
P 031208Z APR 09
FM AMEMBASSY ASTANA
TO RUEHC/SECSTATE WASHDC PRIORITY 5096
INFO RUCNCIS/CIS COLLECTIVE 1450
RUCNCLS/ALL SOUTH AND CENTRAL ASIA COLLECTIVE
RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEHBJ/AMEMBASSY BEIJING 0828
RUEHKO/AMEMBASSY TOKYO 1531
RUEHUL/AMEMBASSY SEOUL 0515
RUEAIIA/CIA WASHDC
RHEFAAA/DIA WASHDC
RHEHNSC/NSC WASHDC 1013
RUEKJCS/SECDEF WASHDC 0926
RUEKJCS/JOINT STAFF WASHDC
RHMFIUU/CDR USCENTCOM MACDILL AFB FL
RUEHAST/USOFFICE ALMATY 1386

UNCLAS SECTION 01 OF 04 ASTANA 000593

SIPDIS

STATE FOR INL/AEE, G/TIP, SCA/CEN (O'MARA)

E.O. 12958: N/A

TAGS: [PGOV](#) [SOCI](#) [KCRM](#) [KTIP](#) [KWMN](#) [KZ](#)

SUBJECT: KAZAKHSTAN: LEGALIZED PROSTITUTION -- TO BE OR NOT TO BE

REF: ASTANA 0187

ASTANA 00000593 001.2 OF 004

1. SUMMARY: Kazakhstan has struggled for years with the question of prostitution. Though not legalized, prostitution is not technically illegal and this legal grey zone has enabled the country to deflect difficult questions. In a recent, public appeal to the government, Rosa Petraus, Chairwoman of the Tirlik disability rights group, called for the legalization of prostitution (reftel). Though her goal was to provide the disabled with equal access to commercial sex services, she provoked public discussion of deeper issues surrounding prostitution. Not surprisingly, opinions about this issue in Kazakhstani society have been passionate and quite divided.
END SUMMARY.

LEGAL BACKGROUND

2. In Kazakhstan, prostitution and solicitation of prostitution are not specifically prohibited by law. However, all activities surrounding prostitution, especially those connected to organized crime, are illegal and punishable by law. For example, facilitation of prostitution and recruitment of an individual into prostitution are considered human trafficking crimes and punishable by up to seven years in prison. The establishment or management of a brothel and pimping are punishable by up to five years in prison. Prostitutes found during raids on brothels or otherwise discovered are registered by the police. (NOTE: Police have told Post unofficially that this is because the women are at a higher risk of being victims of violent crime or of going missing. Police also find prostitutes to be good sources of information and use the registration as a "phone book" for confidential informants. END NOTE.)

3. Police regularly conduct operations to uncover those facilitating prostitution, working as pimps, or managing brothels, by checking saunas, hotels, night clubs, and travel agencies. As a result of these operations, police initiated 12 criminal cases for recruitment and about 250 cases of managing brothels and pimping in 2008. During the same period, approximately 150 prostitutes were registered by police.

PROSTITUTES AND PIMPS REACT

14. The January 23 issue of the newspaper "Karavan" reported that prostitutes would welcome the opportunity to work legally, pay taxes, make pension contributions, and receive medical treatment in exchange for government protection. According to those interviewed, the legalization of prostitution would ensure their safety, which is the biggest issue for those in this dangerous profession. They believe that it is no secret that prostitution is the most criminalized and dangerous business in Kazakhstan. Often, they said, prostitutes are involved in other crimes and many are robbed, beaten, or even killed by clients.

15. According to recent reports in the national press, prostitutes in Karaganda responded to Petraus's appeal by offering a 90 percent discount to disabled customers. Pimps and brothel owners were less understanding. One called Petraus twice offering her a job in his brothel. He explained that because she is wheelchair-bound, she would be considered exotic and his wealthier clients would pay a premium. Petraus also received serious offers from those seeking to help the disabled; a businessman from London offered to arrange and fund a study-tour for her to learn how the disabled in Britain live.

NGO ASSOCIATION IS STRONGLY AGAINST LEGALIZATION...

16. The Association against Trafficking in Persons in Central Asia (ATIPCA), an umbrella group of 14 NGOs, met to discuss this issue the week of January 26. Thirteen of the 14 NGO leaders voted against legalized prostitution and one abstained.

17. According to Yekaterina Badikova, president of ATIPCA and a former Kazakhstani police officer, 90 percent of prostitutes say that they work in brothels against their will. She explained that all brothels, without exception, use physical and psychological violence, threats of violence, and fraud to make prostitutes work. "Prostitution is a very dirty business," she said, adding that pimps have a direct economic interest in expanding their networks and are

ASTANA 00000593 002.2 OF 004

willing to use any and all methods to keep their "employees" working.

18. She also explained that it is very difficult to tell when a woman consents to work as a prostitute and when she is forced. The NGOs agreed that many women choose to become prostitutes voluntarily, but that once they get into the business, the system leaves them no choice but to continue to work. They find themselves under the complete control of other people and have to obey the rules under the constant threat of violence. The NGOs consider all prostitutes to be victims of organized crime and in need of protection from the government.

19. The links between prostitution and other criminal businesses such as money laundering, human trafficking, and drug trafficking are strong. In that sense, legalizing prostitution would be similar to legalizing human trafficking or drug trafficking. The NGOs strongly believe that forcing people into prostitution, keeping brothels, and pimping must not become legal. They see these activities not as businesses, but as crimes that take away the freedoms and rights of people and facilitate slavery. The NGOs will strongly oppose any legalization initiatives.

... BUT SOME VOICES ARE IN FAVOR

110. In the January 23 issue of "Karavan," the president of the Association of Businesswomen, Raushan Sarsenbayeva, said she believes that prostitution should be legalized. She said that people have been trying to eliminate prostitution for 5,000 years, but no country has yet succeeded. She noted that commercial sex has become an illegal business along with narco-trafficking and weapons smuggling, which are very profitable. To fight such crime, she said, prostitution must be moved out of the shadows. She suggested that such a measure would help to protect both prostitutes and clients. However, Sarsenbayeva did not deny that legalization could have a negative effect on the image of Kazakhstan. Nevertheless, she said, "legalization would have more positive consequences than negative."

¶11. "Karavan" also reported on January 23 that the Executive Director of the Charter for Human Rights, Zhemis Turmagambetova, is likewise an advocate of legalized prostitution. "I am not trying to defend this phenomenon, as it is immoral by its nature," she said, "but let's not pretend that it does not exist. We do not need to re-invent the wheel, but we should simply learn from Tsarist Russia or some European countries where the inhabitants of red-light districts officially work, pay taxes and are protected by the law." (NOTE: The Charter for Human Rights is one of the leading Kazakhstani human rights NGOs, although Turmagambetova herself is known for her somewhat unorthodox views. END NOTE.)

ASK THE PEOPLE WHAT THEY WANT

¶12. According to local press reports, a member of the Almaty Maslikhat (city council), Ablai Khan Samatdin, is strongly against the legalization of prostitution. He stated that the legalization of prostitution would offend the moral sensibilities of those who follow religious traditions. He said he is convinced that prostitution "never existed" in Kazakhstan previously, and he does not understand why it exists now. (NOTE: There is well-documented historical evidence confirming that brothels existed thousands of years ago along the Silk Road which crossed what is now the territory of Kazakhstan. END NOTE.) Samatdin pointed out that the unemployment rate is relatively low in Kazakhstan compared to its neighbors and came to the conclusion that there are no economic reasons for modern prostitution, but only social, i.e., "lazy young women are unwilling to study and work hard."

¶13. Samatdin also believes that law enforcement is ineffective. He said that when the police cleared prostitutes off Sain Street in Almaty, they simply moved to Seifullin Street or to rented apartments. (COMMENT: Seifullin Street is now so infamous that an Embassy employee was advised never to attempt to flag a cab on the street, because she would be mistaken for a prostitute. END COMMENT.) He suggested adding a question asking about legalization to the census questionnaire. (NOTE: The census, which ended in February, did not include such a question. END NOTE.)

ASTANA 00000593 003.2 OF 004

OPINION POLL RESULTS

¶14. On March 9, a local newspaper published the results of a public opinion poll on the government's efforts to combat prostitution and prostitution-related crimes. A majority of respondents were in favor of legalization, with many saying that if the problem cannot be eliminated, it must be regulated. Other arguments in favor of legalization included concern for prostitutes' and their clients' health and safety and the economic benefits and income for the government. Some respondents pointed out that prostitution has historical roots in Kazakhstan -- bigamy, harems, and concubines can be considered forms of legal prostitution -- while others disagreed and believe that prostitution is a very "young profession."

¶15. Citizens of all 16 regions of Kazakhstan were interviewed to evaluate the efforts of each to combat prostitution on a five-point scale. Only four regions scored three points or higher: West Kazakhstan (Uralsk), East Kazakhstan (Ust-Kamenogorsk), Kyzylorda, and Almaty. Astana was rated seventh and the worst oblast was Dzhambul in southern Kazakhstan, which received a score of 1.92. (NOTE: The capital of the oblast, the 2,000-year old Taraz, was a stop along the Silk Road and is now well-known for its organized criminal activity and narco-trafficking. END NOTE.) Respondents said that the police cannot effectively fight prostitution because it is not criminalized and the government is doing nothing to reduce demand.

¶16. In a poll published by Express-K on January 30, respondents said that the priority must be strengthening the punishment for pimps, brothel owners, and customers. Respondents expressed frustration with the fact that people who use sexual services are not punished, despite the fact they create the demand. They also called for customers to be publicly named and shamed in local media before going to jail.

ON-LINE "BROTHELS"

¶17. For some time now, Almaty has been awash in graffiti advertising an escort website called Almatinki ("Almaty girls"). The site is run by a company that also operates sites for female escorts in Astana, Prague, and Berlin, and for male escorts in Moscow. The company seems to have a grand vision for the future, with domain names reserved for services in Karaganda and several cities in Russia and Germany. The Almaty and Astana sites provide detailed instructions for prostitutes to place advertisements. An advertiser must have a residency permit for the city in which they are advertising, and applications are accepted only from women 18 and older, who must provide photographs. A \$50 registration fee paid through an online money-transfer system is required to run the ad for three months. To activate a profile, an applicant must call a telephone number given on the site in order to receive further instructions.

¶18. The sites provide photos, hourly rates, activities each woman would be willing to participate in, and a contact number. Though the instructions direct advertisers to provide non-explicit photos, many of the photos purportedly range from mildly to very explicit. The Astana site is much smaller than Almaty; where Almaty has approximately 150 advertisers, Astana has no more than 30.

¶19. According to the Deputy Minister of Interior, who oversees the K-Department (cyber crime division), police have been investigating the site, but are unable to shut it down because it is hosted in the Czech Republic. The owner of the site was born in Kazakhstan, but is a naturalized Czech citizen. Under Czech law, his site is legal because it is registered for advertisement purposes and, since all profiles are posted voluntarily, he cannot be charged for pimping.

REAL BROTHELS IN THE CENTER OF ALMATY

¶20. On January 23, "Karavan" ran an interview with a former prostitute who complained that the police shut down only small prostitution rings and brothels while ignoring the large, well-known brothels. She said that one of the most popular night clubs in Almaty employs 30 prostitutes and charges each woman a \$700 monthly in fees. The women are required to charge \$200 an hour or more and make their clients order food and drinks from the bar. The club is said to be well-known among expatriates and pays the western hotels

ASTANA 00000593 004.2 OF 004

to recommend the club to their guests.

¶21. The second brothel, according to the former prostitute, is a very well-known hotel in Almaty. Hotel security selects 15 to 20 women to work in the hotel from 9 pm to 5 am every day. The women charge \$300-\$500 an hour and pay 50% to the "house." Women are not allowed to leave the hotel during their working hours and must pay a \$100 per hour penalty if they do.

¶22. Embassy officers have observed prostitutes openly soliciting clients in the bar at one of the large western hotels in Almaty. The same few prostitutes regularly work from the bar, charging \$300 an hour, with a 10% cut going to the hotel management.

FINANCIAL CRISIS HITS THE SEX INDUSTRY

¶23. According to a local press report, every week, specialists from the government's HIV Center in Astana visit locations frequented by prostitutes to speak to them about the risks of HIV/AIDS and discuss preventative measures. According to their anecdotal evidence, there has been a significant drop in the number of prostitutes working in Astana. In October 2008, they found 240 prostitutes, but only 75 in December. A month later the number dropped to 47. The women explained that due to the financial crisis, many prostitutes have lost their regular clients and have returned to their home villages and countries. An HIV Center epidemiologist estimates that prices charged by prostitutes in Astana have dropped as much as 40 percent in the last three months.

¶24. COMMENT: Prostitution is a divisive issue and no concrete

decision on legalization is likely to be made by the government in the near future. As many countries have found, there are no easy answers. Both criminalization and legalization come with serious costs to the criminal justice system, health care system, and society. END COMMENT.

HOAGLAND